

Amendment

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on a stent delivery catheter, the elastomeric sleeve comprising:
an inside surface, and at least one lubricant application port;
a lubricious substance;
the at least one lubricant application port defining an opening through the at least one sleeve, the opening constructed and arranged to allow the lubricious substance to pass through the at least one sleeve and coat at least a portion of the inside surface.

Remarks

This amendment is made in response to the non-final office action mailed November 20, 2002 in which claims 1 and 2 were rejected under §112, first paragraph; claim 8 was rejected under §102(e) as being anticipated by Layne US 6398803 and also by Konya US 6123723, and claims 1 and 2 were rejected under §103 as being unpatentable over Savin US 4950227 in view of Konya '723.

§112 Rejection

Applicant has amended the specification at page 5, lines 10-15 to add ", in the unexpanded state" to make is clear that the description of the sleeve refers to the sleeve in the unexpanded state. The specification, drawings and claims as filed make this very clear since lubricant can only be added through the port prior to insertion of the catheter into the lumen of the patient. Therefore, this amendment is not considered new matter and is fully supported by the specification, claims and drawings as filed.

§102 Rejections

Claim 8 has been amended to positively recite a lubricious substance, which is not disclosed, taught or suggested in either Layne or Konya. Therefore, claim 8 as amended distinguishes over Layne and Konya.

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§103 Rejection

Applicant respectfully traverses the §103 obviousness rejection. Savin indicates that a "lubricating solution can be provided between balloon 14 and sleeve 18 and 20", but does not teach how the lubricating solution is provided. Nor does Savin indicate that the lubrication is applied after the stent is mounted onto the balloon and placed under the sleeves 18 and 20.

Konya teaches a port through which contrast solution may be provided – but does not teach or suggest lubrication between the sleeve and stent.

Only with impermissible hindsight, based on applicant's invention, can it be argued that it would have been obvious to use a contrast solution port to inject lubrication between the sleeve and stent shortly before the point of use.

As indicated in the background of the application (Col. 3 lines 14-29) lubricious coatings are well known in the art. What was not well known in the art was being able to lubricate between the sleeve and stent after the stent was mounted on the balloon and placed under the sleeve(s). The person of ordinary skill in the art, after reviewing both Savin and Konya, would coat the inside of the sleeve as part of the manufacturing process and use the contrast solution port to inject contrast solution – not use the port for a totally different purpose and in a totally different manner than taught in either reference.

Therefore, it is believed that the combination of Savin and Konya is improper, as there is no suggestion or teaching which would motivate a person of ordinary skill in the art to combine the two references in the manner suggested by the Examiner without the use of impermissible hindsight.

Claims 1-2 and claim 8, as presently amended, are now believed to be in condition for allowance. Since both claims 1 and 8 are generic to claims 3-7 and 9, if either claim 1 and/or

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8 is allowed, claims 3-7 and 9 should be allowed as well.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

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By: 

Richard A. Arrett

Registration No.: 33153

6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001

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Marked-Up Text

The following is a marked up version of the paragraph starting on page 5,
line 10:

As may be seen in FIG. 1, the present invention may be embodied in an elastomeric sock or sleeve 10 having one or more ports 12 which may be utilized to inject or otherwise place a lubricious substance (not shown) on to the inside surface 14 of the sleeve 10. Sleeves such as sleeve 10 presently described, may be characterized as having a stent overlaying portion 16, a cone portion 18, a cone waist transition portion 20, a waist portion 22 and a balloon end portion 24, in the unexpanded state.

The following is a marked up version of claim 8:

8. An elastomeric sleeve constructed and arranged to retain a stent in the unexpanded state on a stent delivery catheter, the elastomeric sleeve comprising:

an inside surface, and at least one lubricant application port;

(12) a lubricious substance;

the at least one lubricant application port defining an opening through the at least one sleeve, the opening constructed and arranged to allow [a] the lubricious substance to pass through the at least one sleeve and coat at least a portion of the inside surface.